



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THOMAS P. STUPIN,

Plaintiff,

- against -

COMMISSIONER MICHAEL J. ASTRUE,

Defendant.

08 Civ. 6163 (RMB)

ORDER OF DISCONTINUANCE

The parties having failed to appear for a pre-trial conference scheduled for September 2, 2008, it is hereby

ORDERED, that the above-entitled action be, and the same hereby is, discontinued; provided, however, that the Plaintiff or Defendant may apply, on or before September 16, 2008 (noon), by letter showing good cause why this action should be restored to the calendar of the undersigned.

SO ORDERED.

Dated: New York, New York
September 2, 2008

Richard M. Berman, U.S.D.J.